M36
#10
2d set

MARYLAND FISHERIES

PUBLISHED BY CONSERVATION DEPARTMENT OF MARYLAND

No. 10 MAY, 1931

CONTENTS

Page

A SUMMARY OF CONSERVATION LEGISLATION PASSED BY THE GENERAL ASSEMBLY OF 1931 ---- 1

SHELL-PLANTING OPERATIONS ---- 6

NEW FLAGSHIP FOR MARYLAND PATROL FLEET ---- 7

PROSPOSED CHANGES IN FISH-LINE STAKES IN VIRGINIA WATERS ---- 13

FISHING IN UPPER POTOMAC BY NON-RESIDENTS ---- 14

JOINT RESOLUTION NO. 13 ---- 17

CALIFORNIA OYSTER MEN TO GROW SHELL-FISH SUSPENDED FROM RAFTS 18

EDITORIALS

RESULTS OF CONSERVATION ---- 11

A SUMMARY OF CONSERVATION LEGISLATION PASSED BY THE GENERAL ASSEMBLY OF 1931

CHAPTER 215. Starts the time for taking oysters in the waters of Somerset County by tongs 15 days later. The season now begins September 15 instead of September 1. The Conservation Department feels that this was a wise move on the part of the representatives of Somerset in delaying the opening of the season 15 days, especially in view of the fact that Wicomico County starts its season on the 15th and it is very difficult to police the waters where the dividing line of two counties follows the middle thread of the Wicomico River.

Chapter 222. This act, which was introduced by Delegate Fairbanks of Talbot County, provides for the closing of the Great Choptank River in part to scraping, and also provides for the reduction in the length of oyster-tong shafts to 27 feet for catching oysters in the Choptank and its tributaries and reduces the weight of scrapes to not more than 70 pounds. This latter feature, especially, is a conservation one and it is believed that the area that has been set aside for tonging may be more readily rehabilitated by the planting of shells on the depleted bars of this river.

Chapter 293. This act extends the line where patent tongs may be used in the Patuxent River up to a straight line drawn from Sotterley's Wharf in St. Mary's County through St. Leonard's beacon to the shore line in Calvert County.

Chapter 297. Experiments in oyster planting to be carried on at the Experimental Oyster Farm provided for in this act should prove most valuable. The Honga River was selected after experiments covering a period of several years to determine the best waters for spat collecting. The practical use to which this thousand-acre farm will be put is set out as follows in Section 161-B of the act:

"For the purpose of operating the experimental farm, provided for in the above section, the Conservation Commissioner is authorized to transplant seed oysters, shells or cultch; to propagate seed oysters; to protect the catch of young growth of oysters; to conduct any and all experiments in connection with the research work of the Chesapeake Biological Laboratory. and transplant and dispose of any catch of seed oysters or cultch, taken from said farm to other waters of the State to continue such experimental work."

Chapters 431 and 432. These two acts deal with and regulate the taking of clams and oysters in the waters of Worcester County. When the Board of Public Works is satisfied that the Government has made the necessary provisions for cutting of the inlet and erection of jetties as proposed in Senator Veazey's bill No. 309 (Chapter 511) the State bonds will be sold. The Conservation Department is very optimistic regarding the future of Worcester County's sea-food industry after the inlet is cut through. A practical demonstration of the value of salting these inland bays occurred when an inlet was washed through in 1920, and the Department is convinced that these waters when properly salted will produce an annual crop of both oysters and clams which will greatly augment the production of the State of Maryland.

Chapter 506. This act, which provides for the closing of Honga River and Tar Bay against the taking of oysters with dredge, was designed to give these waters a rest similar to the Great Choptank. It might be said that the Honga River is one of the best seed-producing areas found on the Eastern Shore.

Chapter 517. Prohibits the use of dredges or any similar instrument for the taking of oysters in the waters of Potomac River. The condition of the oyster bars in this river caused the Commissioner of Fisheries of Virginia and the Conservation Commissioner of Maryland to request the U. S. Bureau of Fisheries to assist in making a survey to determine the actual condition of the rocks in 1928. This work was completed during the autumn of that year by Dr. Luce, and the Government recommended that both oysters and shells should be planted on the very much depleted bars of the Potomac in order to re-

store them. The Conservation Commissioner of Maryland was directed by the Legislature of 1929 (Resolution No. 13) to proceed to Virginia and confer with the necessary committees of the General Assembly of that state to see what could be done to carry out this work. In 1930 the State of Virginia passed an act to close the Potomac River to dredging, in order that the oyster bars might have a sufficient rest to catch up. Maryland concurred in this legislation with Senate Bill 192. Governor Ritchie signed this bill on April 10 and it will become effective as soon as the proclamation is proclaimed by the Governor. Prior to the signing of this bill, a hearing took place at Annapolis at which a number of watermen from Smith's Island and Somerset County protested against the closing of the Potomac. The Conservation Commissioner of Maryland had received a telegram from the Commissioner of Fisheries of Virginia stating that any time the Maryland Commissioner deemed it necessary to make an investigation of the oyster bars in Potomac in order to determine whether or not the river should be reopened, the Commissioner of Virginia agreed to do so. Governor Ritchie when signing the bill requested that an examination be made in November, 1932, in order that a recommendation may be made to the General Assembly of Maryland which meets again in January, 1933.

Fish Legislation

Chapter 30. Changes the beginning of the shad and herring season to February 1 instead of March 1 in the Chesapeake Bay and tributaries below Poole's Island, except the Potomac River.

Chapter 165. Prohibits the use of anchored gill-nets in the headwaters of the Chesapeake Bay north of a line drawn from Robbins Point, Harford County, to the mouth of Fairlee Creek, Kent County.

Chapter 175. Legislation to outlaw the purse- and buck-nets in the waters of Maryland has been agitated for a number of years. This act will prohibit the use of these nets in our waters after November 1, 1931.

Chapter 250. Prohibits fishing with nets in Herring Creek, Worcester County.

Chapter 361. Prohibits the catching of fish in the tributary waters of Talbot County with certain nets.

Chapter 378. This act regulates fishing by nets in the Transquakin and Chicacomico Rivers, as well as prohibiting haul-seines in Big Black Water River in Dorchester County.

Chapter 423. Prohibits for a period of two years the catching of any other fish except trout in the Little Savage River in Garrett County, and trout may only be taken during the

season each year which is April 1 to June 30. It might be said that all the streams of Garrett County are very cold and adapted to trout. This river is an especially good trout stream and the act is a valuable one in that its protection as a trout stream may be more readily accomplished by limiting the season when fish may be taken in these waters.

Chapter 442. Prohibits gigging for fish in the tidal waters. Heretofore, gigging was prohibited in non-tidal waters only, and now the law has become State-wide in effect.

This act also makes certain changes in the season for the taking of game- and fresh-water fish in non-tidal waters as follows:

Trout (brook, brown, and rainbow)—April 1 to June 30, except in the Youghiogheny River below Swallow Falls in Garrett County where the open season on rainbow trout shall be July 1 to November 30.

Bass (large- and small-mouth)—July 1 to November 30.

Rock, or striped bass—June 1 to November 30.

Susquehanna salmon—June 1 to November 30.

Suckers, catfish, carp, eels, and gudgeons—February 1 to November 30.

All other species of game- and fresh-water fish—July 1 to November 30.

All dates mentioned above are inclusive.

This act also makes the following changes:

1—Adds one additional month (June) to the open season for rock, Susquehanna salmon, suckers, catfish, carp, eels, and gudgeons.

2—Prohibits the use of dip-nets for catching fish above tidewater, except that they may be used in the Susquehanna River between Hog Back Shoals and the mouth of Deer Creek; and suckers, catfish, carp, eels, and gudgeons may be taken with dip-nets in the waters of Washington County (except within 100 feet below any dam) between February 15 and April 15 by any person holding a resident angler's license.

3—Prohibits the use of out-lines, as the act states it shall be unlawful to catch or attempt to catch game- and fresh-water fish by any contrivance other than rod, hook and line, held by the hand, except that eels may be caught by use of a slat basket.

4—Defines the creel limit of 10 for bass or trout of any species, which may be taken in any one day by any one person. Any bass or trout caught and returned to the waters, whether over or undersized, shall be considered in the count of the creel limit. However, there is no change in the legal size of the fish.

If any person is found in or above non-tidal waters with gig or gig iron and a light, or with nets, seines, fish-pots or other fishing rigs other than permitted in this act, it is prima facie evidence of a violation.

A landing net or seine not over six feet in length or greater than three feet in depth may be used for the taking of bait fish.

5—Heretofore any person over the age of 16 years was required to secure a license to fish in the non-tidal waters of the State. The age limit now is over 14.

6—Eliminating dip-net licenses as dip-netting is prohibited.

7—The non-resident angler's license carried a special feature under the new act which prohibits non-resident anglers from fishing during our open season or at such times or on such days as fishing is prohibited in the State of which the licensee is a resident.

Chapter 499. Regulates the use of haul-seines over leased oyster grounds. While this act relates to the hauling of seines in certain waters, it especially deals with the hauling of seines over bottoms which have been leased by the State for oyster planting. Due to neglect on the part of many lessees, stakes are not in place at the corners of oyster grounds and the fishermen have no means of knowing them to be leased oyster grounds. The Department has had considerable trouble in some waters to have lessees keep up their stakes, and it is believed that this act, which did not originate with the Conservation Department, will have a tendency to keep lots properly marked with stakes or buoys.

Chapter 489. This act calls for a license for pound-nets and haul-seines operating in Chincoteague, Isle of Wight, Sinepuxent and Assowoman Bays and their tributaries; also for pound-nets operated in the Atlantic Ocean within three miles of the shore of Worcester County.

Chapter 541. Prohibits the catching of fish in certain waters of Dorchester County, viz.: Cabin Creek, Warwick River and the waters of Goose Creek and Indian Creek, in any manner except by hook and line, eel-pots and gill-nets of not less than three-inch mesh.

THE CRAB SEASON

While in reality the crab season in Maryland opened April 1, due to the fact that crabs are permitted to be taken in the inland bays of Worcester County on the same date that they are taken in the State of Virginia, the season in Chesapeake Bay, however, did not start until May 1.

From all reports sent in by deputy commanders and inspec-

tors the Department looks for a very heavy crab supply throughout the coming summer. Our waters at present are well stocked with crabs which remained and hibernated in the deep waters during the winter, and there was very little mortality due to winter freezes which so frequently occur in the month of February following a warm spell when crabs seek the shoaler waters only to be killed by a freeze later on.

The last 10 days of April were very cold and retarded the development of crabs in Tangier Sound on the grassy bottoms of which the soft and shedder crabs are extensively found.

While the 1930 catch showed a marked increase over the previous year, the Department anticipates a better year for 1931, and extensive preparations have been made by crab houses along tide-water Maryland.

SHELL-PLANTING OPERATIONS

AT the close of the General Assembly of Maryland for 1931, the Department was confronted with a demand by the oyster packers of the State to dispose of the oyster shells which had been contracted for by the State. In order to assist the packers as much as possible, some shell planting was started on the 15th of April and gradually increased until May 1. Arrangements are now made for general operations which started on Monday, May 5, and it is anticipated that about 800,000 bushels of shells will be planted on the depleted oyster bars of the State during the forthcoming weeks of the spring planting season.

The Commissioner made arrangements for 4,000 bushels of seed oysters to be placed on Great Rock in lower Tangier Sound. This was strongly recommended by Mr. John T. Handy, member of the Advisory Committee from Somerset County. It was with regret that we found it inadvisable to take any seed oysters from the head of the Bay, but, due to the fact that most of the bars in that section had marketable oysters and due to the fine quality of these oysters during the past season, it was deemed best to preserve these oysters as they will aid materially in supplying the demand during the next oyster season.

The Potomac River, which has been closed by an act of the General Assembly of Maryland against dredging in concurrence with a similar act passed by the Legislature of Virginia, which act was signed by Governor Ritchie on April 10, will be given full protection by the Commissioners of the two States, and every effort will be made to rehabilitate the bars during the next two seasons. The upper bars of the Potomac have considerable young growth and that must be properly protected. Governor Ritchie, when signing the bill, advised the

watermen that the Conservation Commissioner of Maryland would cooperate with the Commissioner of Fisheries of Virginia in making an examination of the Potomac River in November, 1932, and a recommendation would be made to the respective Governors of the two States on the advisability of reopening the river to dredging.

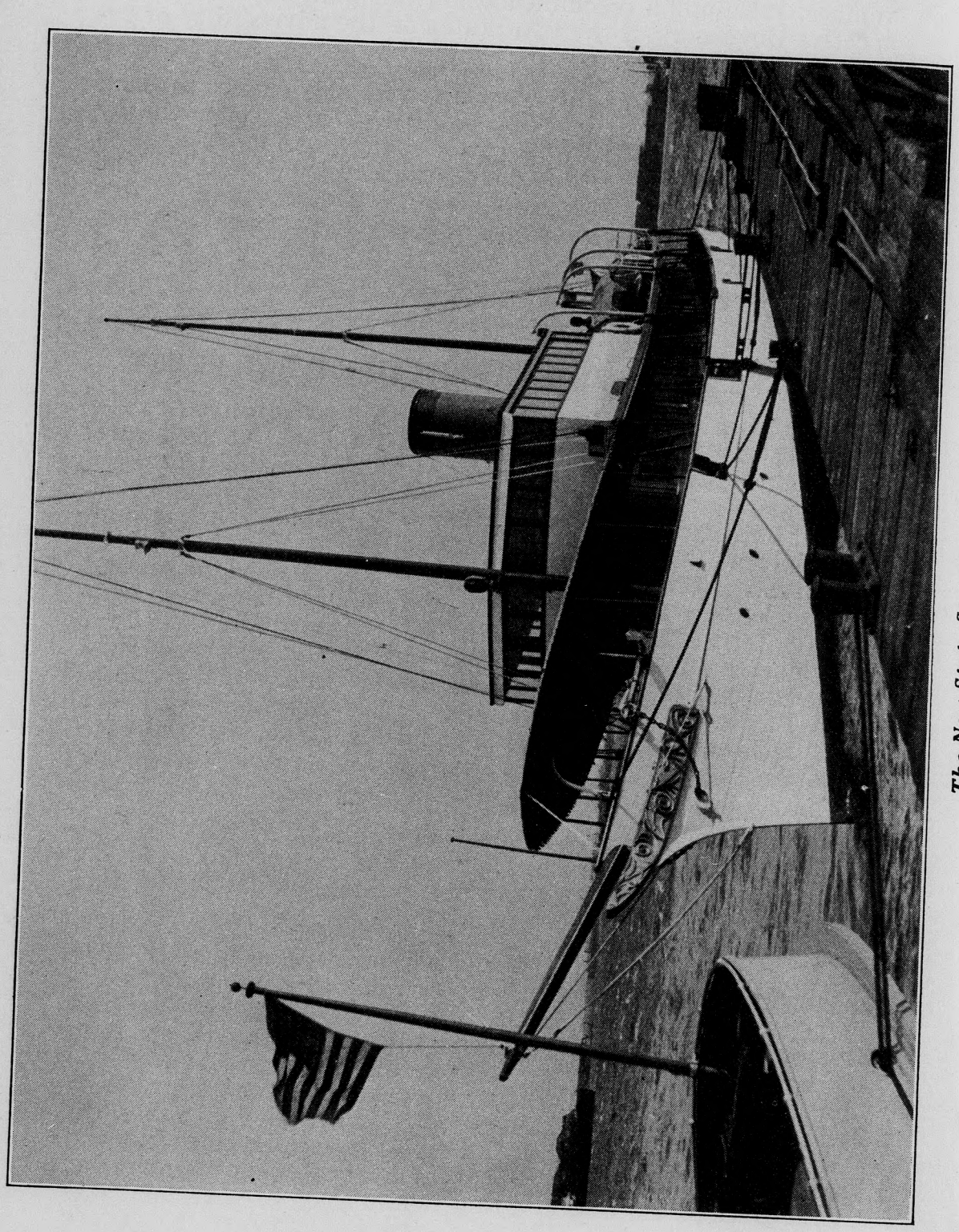
The Great Choptank River, which was also closed, in part, to scraping, will be extensively planted with oyster shells by the Department and will be given every possible protection against depredations, which include night handscraping. The Honga River and Tar Bay were also closed to scraping by acts of the 1931 General Assembly, and the Department will establish its experimental oyster farm in the former body of water, as provided for also by legislative action.

NEW FLAGSHIP FOR MARYLAND PATROL FLEET

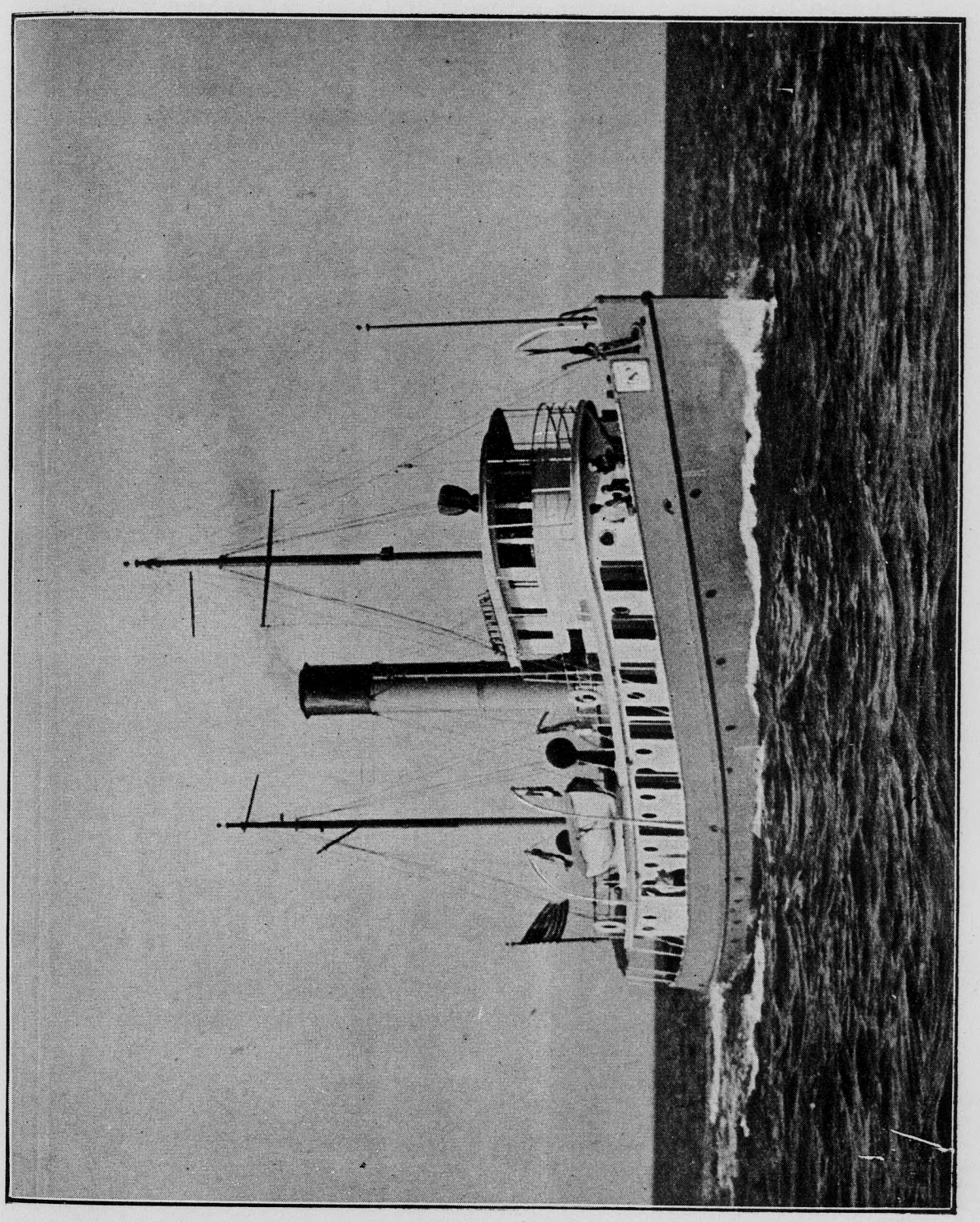
THE steam yacht "Tech," which was recently given to the State of Maryland by Mrs. Alice du Pont, of Delaware, arrived in Baltimore on Saturday, April 25th, and becomes the State steamer "Tech." Following negotiations which had been carried on between Mr. Francis du Pont, son of the late Senator Coleman du Pont, who was acting for his mother, and the Conservation Commissioner, Mrs. du Pont decided to present the yacht as a gift to the State of Maryland, which was accepted by Governor Ritchie for the State. It is fortunate indeed for Maryland that Senator du Pont and his family purchased land in the State and became interested in the waters of the Chesapeake Bay as well as the Delaware Bay. This family has been most generous to both Delaware and Maryland, and the Conservation Department feels very grateful for this addition to the patrol fleet of the State.

The "Tech" will supersede the State steamer "Governor R. M. McLane" which has had a long and useful career in the service of the State since she was built at Philadelphia, Pa., in 1884.

The steamer "McLane" acquired considerable fame in 1888 during the battle of Chester River when she was under command of the late Captain T. C. B. Howard, of the Maryland Oyster Navy. It was in this river that she engaged more than 50 dredge boats—pungies, schooners, sloops, and bug eyes—and after a fight of some three hours she sank the pungy "Julia Jones" and the pungy "Mahoney." This battle had the effect of subduing the boldness of the dredgers to a large extent and raids in illegal waters became a much less frequent occurrence. In 1916, when the Conservation Commission of Maryland was created, the steamer "McLane" and the steamer "Governor Thomas," as well as the balance of the Maryland Oyster Navy, were turned over to the Commission. At the beginning of the

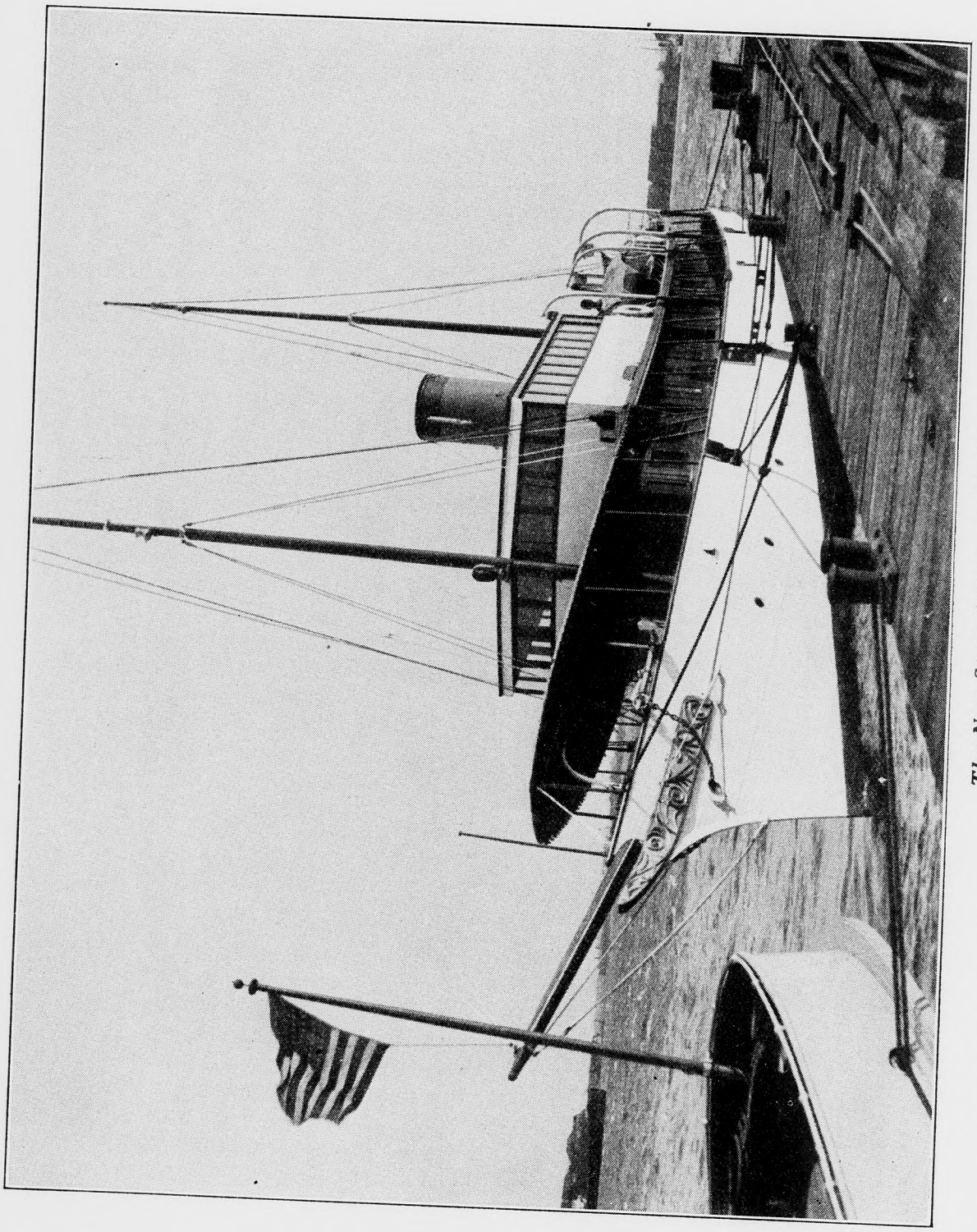


The New State Steamer "Tech"

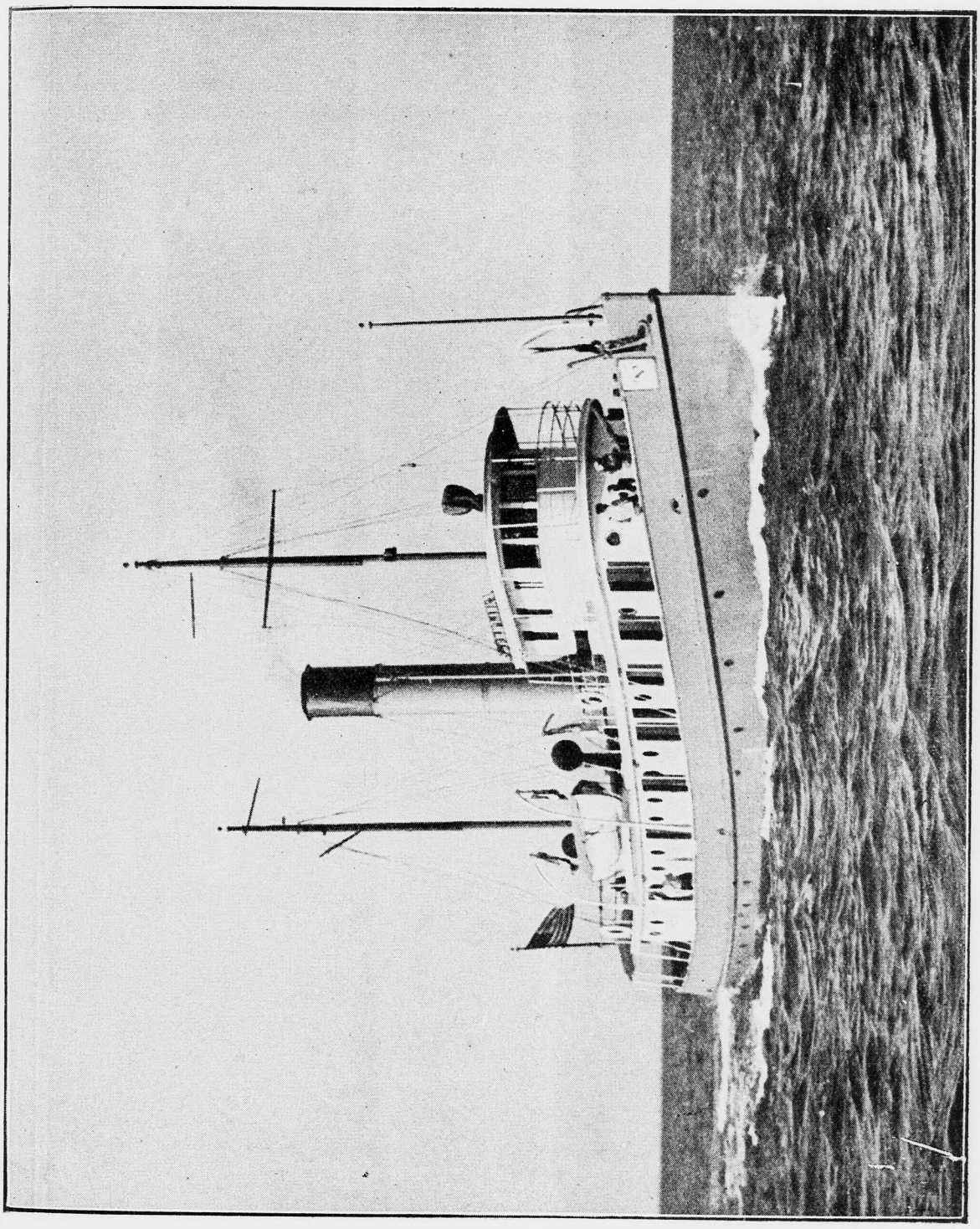


State Steamer Governor R. M. McLane

The New State Steamer "Tech"



The New State Steamer "Tech"



State Steamer Governor R. M. McLane

The New State Steamer "Tech"

Great War, the "Thomas" was sold and the "McLane" was used as the flagship of Squadron 8 of the Fifth Naval District, recruiting men and doing patrol duty in the State's waters. After the close of the War in 1919 she was turned back to the State and on the night of December 3 of that year she was burned to the deck line in a fire which occurred at one of the Baltimore docks where she was moored. She was rebuilt the following year by the Spedden Shipbuilding Company of Baltimore and since that time has been actively engaged on patrol duty and other State work of the Conservation Department.

The early history of the steamer "Tech" shows that she was built in 1887 and was the yacht "Neaira," an auxiliary type. Some years later she was acquired by the late Senator du Pont and was practically rebuilt and her name changed to "Tech." In 1925 over $100,000 was expended on the vessel for a new engine, boilers, and practically a new bottom. She is 135 feet over-all and her other dimensions are similar to the steamer "McLane," but her accommodations are more commodious and luxurious. Mrs. du Pont when giving the boat included all the equipment and furnishings, which are in first-class condition.

Up to this time the Department has not decided what disposition will be made of the steamer "McLane," but both steamers will be hauled out and made ready for use with the necessary spring painting. It is likely that the "McLane" will be sold later on and the proceeds used in building a number of fast modern patrol-boats for the various districts so as to more effectively enforce the fishery laws of the State.

CONSIGNMENT OF FISH TO DEEP CREEK LAKE

Following a conference which was held at Oakland last summer and further investigation made by the United States Bureau of Fisheries relative to the best fish for Deep Creek Lake, it was decided, in consideration of the fact that the small rock bass should be reduced in numbers, that the best fish for the lake would be small-mouth black bass, pike, and pike perch.

The Commissioner is very pleased to be able to announce, through the aid of the United States Bureau of Fisheries, that six hundred thousand (600,000) young pike perch were placed in Deep Creek Lake May 2.

MARYLAND FISHERIES

PUBLISHED BIMONTHLY BY CONSERVATION DEPARTMENT,
SWEPSON EARLE, Commissioner.

No. 10 MAY, 1931

[*This publication presents the views and policies of the Conservation Department.*]

RESULTS OF CONSERVATION

STARTING on my third term as head of the Conservation Department, I wish, at this time, to thank for their support the citizens of Maryland who have interested themselves in the work of the Department, and I now look forward to greater accomplishments during the next four years.

In 1924 the Department was confronted with serious depletion in the crab supply of its waters as well as the oyster supply. The crab has been restored to its former productivity through the cooperation of the State of Virginia, and only by the protection of the female crab bearing the egg sponge was this possible. This legislation on the part of Virginia, which was passed in 1926, was not accomplished in a few years, but was the result of eleven years' work and agitation, followed by a complete survey of the waters of Chesapeake Bay in 1917 made under the direction of the U. S. Bureau of Fisheries. There is little doubt that the crab industry of Maryland would have been wiped out had not these steps been taken in 1926 by the General Assembly of Virginia, backed by men selected by the Governors of the two States to carry on an educational campaign, which resulted in the passage of this important legislation. The State of Maryland also followed the recommendation of the Bureau of Fisheries to prevent the placing in floats of "green" crabs which caused such a high mortality in the shedding waters of this State. Better policing and inspection on the part of the officials of both States has also had its effect in preserving the industry and materially increasing the supply.

It was not until 1927 that the General Assembly of Maryland passed any constructive legislation to rehabilitate the natural oyster bars of the State. This legislation provided for the expenditure of $75,000, from the gasoline tax on work boats, for oyster shells and seed oysters, and has enabled the Department since that time to plant approximately 2,000,000 bushels of shells and about 50,000 bushels of seed oysters. The results from this work are now being felt, although depletion had progressed so far that it will take many years to show a marked increase in production. This is partly due to a serious condition of the Potomac River oyster bars, as well as those in the Chesapeake Bay. The hope of the Commissioners of Maryland and Virginia in closing the Potomac River is that the rest thereby provided will prove beneficial in protecting the upper river oyster bars which have a fair supply of seed oysters at this time. It is hoped that the two States will be able to shell certain bars in 1932 through appropriations by the General Assembly of Virginia. It is realized that these closed areas will call for additional patrol boats in order that poaching may be controlled and to cope with handscraping.

The passage by the Maryland Legislature of an act to cut and maintain an inlet into Sinepuxent Bay from the Atlantic Ocean will eventually increase the production of oysters, crabs, and clams. The salting of the inland bays will make productive a large portion of the 55,000 acres comprised by Isle of Wight, Assowoman, Sinepuxent and Chincoteague Bays and their tributaries in Worcester County. The effect of the project will not only add considerably to the State's annual production of sea food, but will give employment to many residents or Worcester County and other citizens of Maryland who may be attracted to this section to engage in the sea-food business.

The Conservation Department has made considerable progress in the establishment of fresh-water fish hatcheries in Western Maryland, and anticipates in the next few years increasing materially the trout and bass supply in the waters of the State. In order to meet the demand not only from Maryland anglers but from non-resident anglers coming into the State, a greater output of fish to stock the fresh-water streams is necessary. During the last seven years the following nurseries and rearing stations have been acquired: Cushwa Springs in Washington County, Bear Creek in Garrett County and Fairlee Station in Kent County. Deep Creek Lake in Garrett Coun-

ty and Conowingo Pool on the upper Susquehanna (created by hydro-electric projects) have been stocked and added to the available fishing waters of the State for the benefit of anglers. The Department hopes shortly to acquire a suitable place for the propagation of small-mouth bass in Western Maryland, in order to supply the ever-increasing demand for this fish which is adapted to so many streams of our State.

The Department feels especially encouraged by the establishment of many sporting clubs and organizations in the State during the past two years. These sportsmen are back of conservation work and assist the Department in spreading propaganda for the protection of fish, game, and wildlife.

It is felt that the work of the Department during the next four years will add greatly to the natural resources under its supervision for the benefit of all the citizens of Maryland as well as for the visitors who enjoy fishing and hunting within the borders of Maryland.

SWEPSON EARLE.

PROPOSED CHANGES IN FISH-LINE STAKES IN VIRGINIA WATERS

In the November issue of MARYLAND FISHERIES the Conservation Department published a protest, which was filed with the United States Engineer, against the extension of fish-line stakes in the lower Chesapeake Bay. Maryland's protest was made with the desire to protect the migratory fish and give them a better chance to reach the spawning grounds which are located in the upper waters of Chesapeake Bay.

The Department is pleased to quote a letter under date of April 27, 1931, from the United States Engineer's Office, Norfolk, Virginia, which reads as follows:

PUBLIC NOTICE

TO WHOM IT MAY CONCERN:

1. This is to advise that the petition of the Elizabeth City County Protective Fisherman's Association, Hampton, Virginia, dated October 15, 1930, and requesting certain changes in the location of the fishing-limit lines on the westerly side of lower Chesapeake Bay, Virginia, between Wolf Trap Light and Thimble Shoal Light, has not been approved by the War Department.

G. R. YOUNG,
Major, Corps of Engineers, District Engineer.

FISHING IN UPPER POTOMAC BY NON-RESIDENTS

ON MARCH 20, Mr. Perry Miller, of the *Washington Star*, called the attention of the Conservation Department to a letter he had received from West Virginia, relative to an opinion rendered by the Attorney-General, B. H. Lee, of that State. At the request of the Maryland Commissioner a copy of this opinion was forwarded and the same was referred to the Attorney-General of Maryland.

For the information of anglers of Virginia, West Virginia and Maryland, as well as others interested in this subject, the opinions of the Attorney-Generals are quoted:

OFFICE OF THE ATTORNEY-GENERAL

Charleston, W. Va., March 17, 1931.

Mr. H. B. Cornwell,
Chief Game Protector,
Charlestown, W. Va.

Dear Mr. Cornwell:

We have had under consideration your letter of the 12th instant, in which you state that the Game, Fish and Forestry Commission desires the opinion of this office on the following question:

> "Has a citizen of West Virginia, holding a legally issued resident hunting and fishing license, and otherwise within the law, the right to fish in the Potomac River from the West Virginia bank, or the river itself, without a Maryland license."

For a proper determination of this question it is necessary to refer to a compact ratified by the Legislature of Maryland and the General Assembly of Virginia in 1785, which provides that the right of fishing in the Potomac River shall be common to, as equally enjoyed by the citizens of both states, provided, that such common right be not exercised by the citizens of one state, to the hinderance or disturbance of the fisheries on the shores of the state, and that the citizens of neither state shall have a right to fish with net or seines on the shores of the other. Also, that all laws and regulations which may be necessary for the preservation of fish, shall be made with the mutual consent and approbation of both states.

At the time this compact was entered into, West Virginia was a part of the State of Virginia, and when made a separate State, succeeded to the rights and privileges of the State of Virginia under said compact. Therefore, the right to fish

in said river is common to, and to be equally enjoyed by the citizens of both the State of West Virginia and that of Maryland, subject to a condition contained in compact that the citizens of each state shall have full property in the shores of the Potomac River adjoining their lands, with all emoluments and advantages thereunto belonging, and the privilege of making and carrying out wharves and other improvements, so as not to obstruct or injure the navigation of the river, and that in carrying on the fishing in said river, the fisheries on the shores of the one state shall not be hindered or disturbed by the citizens of the other.

This common right of fishing is further restricted by an act of legislature of West Virginia, (ch. 17, Acts 1897) which had previously been enacted by the Legislature of Maryland, which made it unlawful for any person to catch or kill any black bass, green bass, rock bass, pike or pickerel or wall-eyed pike, commonly known as salmon, between the 15th day of April, and the first day of June of each year, or to catch or kill any of said fishes or fish at any other time of the year, save only with rod, hook and line or dip-net. Further provision of this act, as well as those of the compact between Maryland and Virginia are set out in an opinion rendered by this office to Mr. Clare Harding, State Forest, Game and Fish Warden, Elkins, West Virginia, published in Report and Opinion of Attorney-General, 1921-1922, at page 268.

The compact and statute referred to above constitute all the laws, so far as we have been able to ascertain, relating to fishing in the Potomac River by the States of Maryland and West Virginia. By reason of their existence it would seem that the question propounded should be answered in the affirmative. We accordingly hold that citizens of West Virginia, otherwise within the law, have the right to fish in the Potomac River from the West Virginia bank, or in the river itself, without a Maryland license. Very truly yours,

B. H. LEE,
Attorney-General.

OFFICE OF THE ATTORNEY-GENERAL
1901 BALTIMORE TRUST BUILDING

Baltimore, Md., April 9, 1931.

Swepson Earle, Esq.,
Conservation Commissioner,
Munsey Building, Baltimore, Md.

Dear Mr. Earle:

In your letter of April 2nd, you inquire whether, under Sections 76 and 77 of Article 39, Bagby's Code, 1929 Supple-

ment, it is necessary for a resident of the States of West Virginia or Virginia to obtain a license to fish in the non-navigable waters of the Potomac River.

You call to my attention an opinion recently rendered by the Attorney-General of West Virginia in which, relying upon the compact of 1785 between the States of Maryland and Virginia, it was held that a citizen of West Virginia might fish in the waters of the Potomac River from the West Virginia bank or in the river itself without obtaining a Maryland license.

In the case of *Middlekauff v. LéCompte*, 149 Md., 621, the Court of Appeals of Maryland held that the provisions of the compact of 1785 relating to the preservation of fish in the Potomac River have no application to the upper non-navigable portion of the river. In that case the power of the Maryland Game Warden and the Deputy Game Warden to destroy fish-pots maintained by residents of West Virginia in the upper non-navigable portion of the Potomac River was upheld, although the legislation under which the wardens acted (Art. 39, Secs. 81 and 90, Bagby's Code, 1924) had been adopted without reference to the compact.

I am therefore of the opinion that residents of Virginia or of West Virginia may not fish in the waters of the Potomac River above Little Falls (the dividing line between the tidal and non-tidal portions of the river) without first obtaining a license under Sections 76 and 77 of Article 39.

Yours very truly,

WM. P. LANE, JR.,
Attorney-General.

The Izaak Walton League of Martinsburg, as well as the members of similar organizations in Maryland, are very anxious to see some plan worked out whereby the three states may use the upper Potomac in common. It is believed that if this can be worked out the disturbing question of pollution may also be controlled, the stocking of the upper Potomac better accomplished and violations of the fishing laws reduced. The Conservation Commissioner of Maryland would be very glad to have the members of the Game, Fish and Forestry Commission of West Virginia and the representatives from the Department of Game and Inland Fisheries of Virginia come to Baltimore in the near future for a meeting, so that some solution of this problem may be worked out. Maryland will do her part to bring about a better feeling among the anglers of the three states and for the interests of good fishing in the upper Potomac.

JOINT RESOLUTION NO. 13

JOINT RESOLUTION No. 13, which was passed by the General Assembly of Maryland at the 1931 session, protests against the propaganda sent out by the Battle Creek, Michigan, Breakfast Food Company with reference to oysters. This resolution outlines Maryland's efforts to protect the shell-fish resources of the State, and the Conservation Department feels that it is of interest to the general public.

The resolution reads as follows:

Whereas, The Battle Creek, Michigan, Breakfast Food Company has sent out libelous, untruthful and poisonous propaganda stating that the oyster contains more than one million germs, that it lives in and upon polluted waters and that it is dangerous to one's health and aesthetic sense to eat oysters; and

Whereas, The Middle West needs oysters more than any other section of the country, due to the fact that about one person in every ten in that section of the country is afflicted with goiter; and

Whereas, An analysis at Johns Hopkins University has proved that oysters contain more mineral salts and a far larger percentage of iodine than any other similar quantity of known food; and

Whereas, Iodine is a sure preventive for goiter; and

Whereas, The Director of the Maryland State Department of Health and other medical authorities have examined and are constantly examining the waters of the Chesapeake Bay and find them to be pure and entirely unpolluted; and

Whereas, The State Health authorities of Maryland regularly examine the employees engaged in the oyster industry; and

Whereas, the U. S. Public Health Service also checks the work done by the Maryland State Health authorities, in order to see that all oysters are wholesome and marketed in a sanitary condition; and

Whereas, Man has always eaten certain fish in their entirety without the slightest injury to his health or aesthetic sense; now, therefore, be it

Resolved by the General Assembly of Maryland, That the State of Maryland does hereby protest against the use of such libelous and untruthful propaganda by the Battle Creek, Michigan, Breakfast Food Company, and the Secretary of State is hereby authorized to transmit a copy of this resolution to the Michigan State Department of Health.

CALIFORNIA OYSTER MEN TO GROW SHELL-FISH SUSPENDED FROM RAFTS

From *Pacific Fisherman.*

RAPID PROGRESS is being made by the West Coast Oyster Farms, Ltd., in its operations at Elkhorn Inlet, on Monterey Bay, and officers of the company expect to be marketing oysters from this project during the coming fall. About 15,000,000 seed of Japanese oysters are being set at Elkhorn and are being raised under the direction of K. Miyagi, an expert grower from the Sugawara Oyster Company of Japan, who came to the United States in December to help with the work.

A patented oyster-raising process, using what is known as the shell-fish setting apparatus, has been brought from Japan and is in operation at Elkhorn. This method, believed new to the United States, revolutionizes orthodox practice, for it does not raise oysters on the bed of the inlet but brings them along on specially prepared ropes which are suspended from floating rafts. This method has been used in Japan for five years with success and it is believed will be satisfactory at Elkhorn as water and weather conditions are similar to those of the oyster sections of the Flowery Kingdom.

Suspend Oysters from Rafts

About 60 rafts are being built at Elkhorn. These are 16 by 32 ft. in size and on each are 12 cross-beams from which the ropes are suspended. Oil drums are used as buoys under the rafts to support the weight, which increases as the oysters grow in size. While the oysters are growing these rafts can be moved from place to place on the inlet, if desired, to take full advantage of atmospheric or tidal conditions.

K. Togasaki and his brother, S. Togasaki, of the Mutual Supply Company, San Francisco, who are both officers of the West Coast Farms firm, and who have made a long study of the possibilities of this fishery, say that this new method raises oysters much faster and in far greater quantities than the old.

"We can produce, under the new system, 10 times more oysters in the same area than under the older scheme," says S. Togasaki. "Oysters can be grown from seed to marketable size in nine to ten months."

One big advantage of the new plan is the fact that the condition of the bed of the inlet does not have to be taken into consideration. No shells or rocks need be dumped to provide suitable beds.

Bright Future Foreseen

Mr. Togasaki predicts a good future for western-grown

oysters, particularly in view of the fact that the supply of Eastern oysters is diminishing. Oysters, he says, are too high in price now for universal consumption, but when the inlets of the West Coast begin to produce their full capacity, the prices will be lower, more people will eat oysters and there will be a steady, growing demand for this product.

E. G. Vierra, of Vierra Brothers, owners of the land on which the oyster operations are being carried out, is president of the West Coast Oyster Farms, and his brother, Bert Vierra, is vice-president. G. Alioto, president of the San Francisco International Fish Company of San Francisco, is secretary, and S. Togasaki is treasurer. These four and K. Togasaki make up the board of directors.

The 60 rafts are being built on property adjoining a new bridge under construction across the Elkhorn on the Watsonville-Salinas highway. The growing operations are carried on about four miles up the inlet from the bridge. A power launch is used to tow the rafts to their positions.

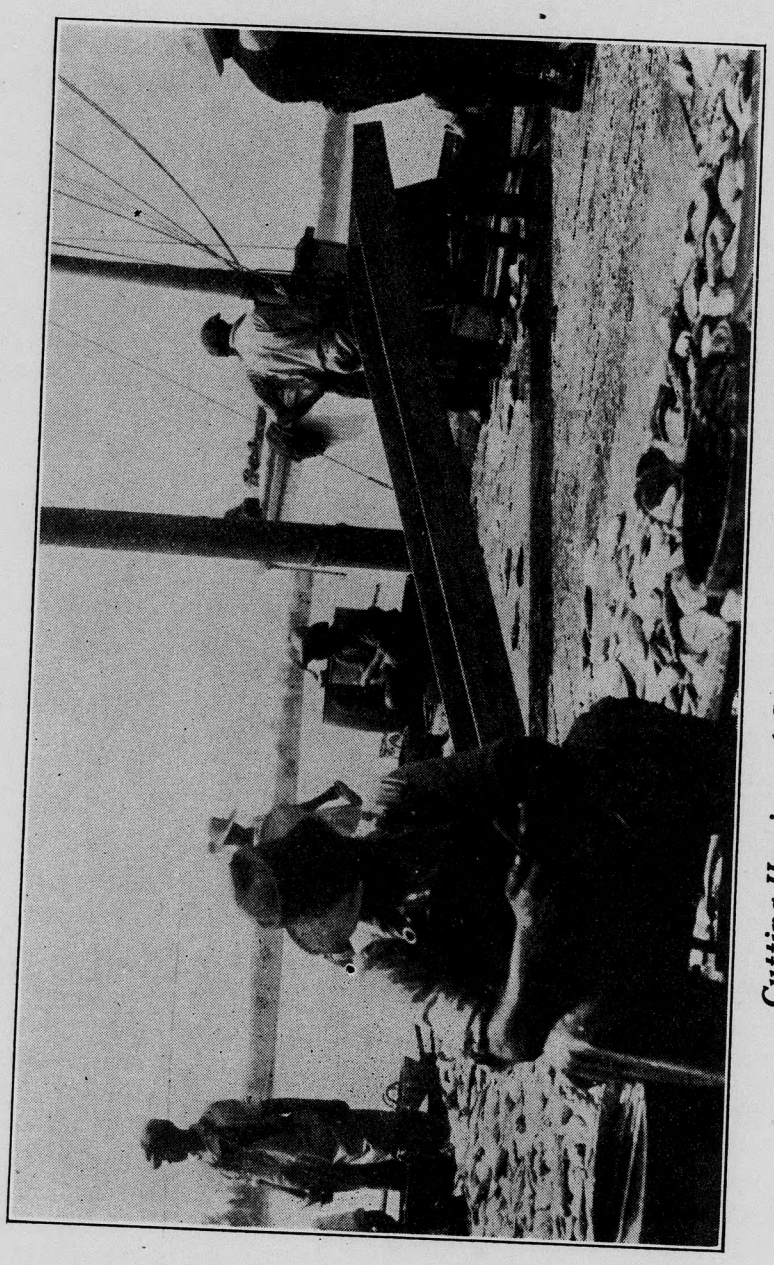
Government scientists are watching the Elkhorn Inlet work with interest, and H. C. McMillin, of the United States Bureau of Fisheries at Stanford University, and Paul Bonnot, of the California Division of Fish and Game, have prepared a report on these operations.

Last year West Coast Oyster Farms planted oyster seeds in beds at Elkhorn, but later abandoned this method to adopt the suspension plan. The original oysters are coming along excellently, Mr. Togasaki reports, and will be marketed or used for experimental work.

BULLETIN ON OYSTER INDUSTRY PUBLISHED

In answer to a wide demand from schools and other sources for information about the oyster industry of Maryland, the Department has recently published a pamphlet on this subject entitled, "The Oyster and the Oyster Industry of Maryland." This booklet was prepared by Dr. R. V. Truitt, who has acted as Department Biologist for the past 10 summers and during that time has carried on extensive studies of the oyster and the oyster industry of the State. The booklet deals in a comprehensive way with the life history of the oyster, its value as a natural asset, and the potentialities of the Chesapeake Bay whose oyster bars have suffered great depletion in years gone by.

Free copies of this publication may be obtained upon request.



Cutting Herring—A Scene Along The Potomac River